

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JANUARY 27, 2004

PRESENT:

Jim Shaw, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner
David Humke, Commissioner

Amy Harvey, County Clerk
John Berkich, Assistant County Manager
Madelyn Shipman, Legal Counsel
Jim Barnes, Legal Counsel

ABSENT:

Pete Sferrazza, Commissioner

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

04-65 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the agenda for the January 27, 2004 meeting be approved.

PUBLIC COMMENTS

Al Hesson, Reno resident, spoke out against George W. Bush, his State of the Union address on January 20, 2004, his views on the economy, the war, and his lack of aid to the homeless. He said a one-way ticket to Mars for President Bush would be worth the money.

Gary Schmidt, Washoe County resident, requested a more formal report from Boards, Commissions and study groups to the Board of County Commissioners at least twice a year. He gave an update on the progress of the 2004 Board of Equalization. He said that the Board of Equalization would be holding a workshop after the session ends to review laws and procedures.

Sam Dehne, local resident, voiced his strong objection to the Mayor of Reno proposing to discontinue the televising of the Reno City Council meetings. He

cited an example of poor reporting by the *Reno Gazette-Journal* in regard to the topic of money for a fire station in the City of Sparks, as discussed at a recent Sparks City Council meeting.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Galloway explained that on January 28, 2004 the Tahoe Regional Planning Agency would be meeting and two important fire issues would be on the agenda. He invited the public and anyone interested in fire issues in the Tahoe region to attend the meeting and give their input.

Commissioner Weber requested an agenda item for the month of February concerning the Sparks Justice Court and their facilities.

Commissioner Humke stated that he was recently in the Sparks Justice Court to meet with the judges and there was a leak in the roof, which caused downfall of the ceiling during the meeting. He would like this topic discussed as an agenda item.

Chairman Shaw announced the Neighborhood Services Open House and Town Hall Meeting that would be held in the Washoe County Chambers on January 29, 2004, beginning at 5:00 p.m. with the Open House.

04-66 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 50 sexual assault victims in an amount totaling \$10,549.92 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated December 30, 2003 and placed on file with the Clerk.

04-67 PURCHASE REQUISITION – FRONTLINE OF NORTHERN NEVADA – DISTRICT HEALTH

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent and Commissioner Weber voting "no," Chairman Shaw ordered that purchase requisition #3000000404 for fiscal year 2003/04 to Frontline of Northern Nevada, in the amount of \$81,123, on behalf of the Community and Clinical Health Services Division, to continue serving as fiscal agent for HIV Prevention contracts held by agencies serving Northern Nevada, with the exception of Clark and Nye Counties, be approved. It was noted there is no additional fiscal impact to the adopted 2003/04 budget.

04-68 **PURCHASE REQUISTION – NEVADA HISPANIC SERVICES -
DISTRICT HEALTH**

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent and Commissioner Weber voting "no," Chairman Shaw ordered that purchase requisition #3000000403 for fiscal year 2003/04 to Nevada Hispanic Services, in the amount of \$58,882, on behalf of the Community and Clinical Health Services Division, to continue serving as fiscal agent for HIV Prevention contracts held by agencies serving Northern Nevada, with the exception of Clark and Nye Counties, be approved. It was noted there is no additional fiscal impact to the adopted 2003/04 budget.

04-69 **WATER RIGHTS DEED – WATER SALE AGREEMENT –
TRUCKEE MEADOWS WATER AUTHORITY – WATER
RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following actions be taken in support of the Scott Sutter Residence on LaGuardia Lane in Southwest Truckee Meadows (APN 049-351-29):

1. The Water Rights Deed and corresponding Water Sale Agreement for 1.20 acre-feet of surface water rights from a portion of Claim 165 as changed by Application 70533 between Truckee Meadows Water Authority and Washoe County be approved and Chairman Shaw be authorized to execute the same; and
2. The Engineering Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

04-70 **WATER SALE AGREEMENT – TRUCKEE MEADOWS WATER
AUTHORITY – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following actions be taken in support of retail water services for Anderson Park and Bartley Ranch Park:

1. The Water Sales Agreement regarding 11.11 acre-feet of surface water from Claims 128 and 208 between Truckee Meadows Water Authority, a Joint Powers Authority entity created pursuant to a cooperative agreement among the cities of Reno, Nevada, Sparks, Nevada, and Washoe County,

Nevada, pursuant to NRS Chapter 277, and Washoe County be approved and Chairman Shaw be authorized to execute the same; and

2. The Engineering Manager be directed to record the Water Sale Agreement with the County Recorder.

04-71 AGREEMENT - SHAW ENGINEERING - PHASE I OF PLEASANT VALLEY INTERCEPTOR – WATER RESOURCES

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that an engineering contract with Shaw Engineering, concerning preliminary design and route selection for Phase I of the Pleasant Valley Interceptor, in the amount of \$49,000, be approved and Chairman Shaw be authorized to execute the same.

04-72 CORRECTION OF CLERICAL AND FACTUAL ERRORS - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following Roll Change Requests correcting factual errors on tax bills and the Order directing the County Treasurer to correct the errors, be approved and Chairman Shaw be authorized to execute the same.

PROPERTY OWNER	PARCEL #	AMOUNT	ROLL
Adele R. Malott	010-512-49	[-\$36.36]	2003 Secured
Baldwin S. Schmidt, Tr.	039-572-02	[-\$63.64]	2003 Secured
Franklyn D. & Dessie M. Smith, Tr.	046-153-06	[-\$544.31]	2003 Secured
Lottie M. Miller, et al	085-230-56	[-\$86.00]	2003 Supplemental (Improvements Only)
Robin N. & Connie A. Starr	122-115-14	[-\$301.07]	2001 Secured
Robin N. & Connie A. Starr	122-115-14	[-\$369.41]	2002 Secured
Robin N. & Connie A. Starr	122-115-14	[-\$347.10]	2003 Secured
William M. & Patricia A. Moore	122-116-10	[-\$1,700.01]	2003 Supplemental (Improvements Only)
Guy R. & Lisa M. Taylor	125-141-09	[-\$497.93]	2001-02 Secured
Guy R. & Lisa M. Taylor	125-141-09	[-\$1,670.91]	2002-03 Secured
Guy R. & Lisa M. Taylor	125-141-09	[-\$1,427.38]	2003-04 Secured
Harry B. & Christina Stokes	164-191-13	[-\$636.34]	2003 Secured
William C. & Kristine D. Fitts	514-281-22	[-\$226.49]	2001 Secured
Steven D. & Susan L. Givani	514-281-22	[-\$203.11]	2002 Secured
Steven D. & Susan L. Givani	514-281-22	[-\$200.10]	2003 Secured

**04-73 PURCHASE REQUISITION – NEVADA HISPANIC SERVICES –
DISTRICT HEALTH**

Commissioner Weber stated that she would not be supporting this item because grant funds are federal funds, and she cannot support all these monies going to a program such as this.

Upon recommendation of Eileen Coulombe, Administrative Health Services Office, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent and Commissioner Weber voting "no," Chairman Shaw ordered that purchase requisition #300000402 for fiscal year 2003/04 to Nevada Hispanic Services, in the amount of \$119,917, on behalf of the Community and Clinical Health Services Division, to continue serving as fiscal agent for HIV Prevention contracts held by agencies serving Northern Nevada, with the exception of Clark and Nye Counties, be approved. It was noted there would be no additional fiscal impact to the adopted 2003/04 budget.

**04-74 RENEWAL – POLICY OF EXCESS LIABILITY INSURANCE –
RISK MANAGEMENT**

Upon recommendation of Jim Jeppson, Risk Manager, through John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the Risk Manager be authorized to renew the policy of excess liability insurance from Insurance Company of the State of Pennsylvania (a member of AIG Group), for the period of February 1, 2004 through February 1, 2005.

**04-75 AWARD OF BID – CAMP WE CH ME HATCHERY
STRUCTURAL IMPROVEMENTS – PWP-WA-2004-104 –
PUBLIC WORKS**

This was the time to consider award of bid for Camp We Ch Me Hatchery Structural Improvements project for the Public Works Department.

Bids were received from the following vendors:

West Coast Contractors
Maxim Construction
Bison Construction
Building Solutions
Northern Sierra Construction, Inc.

Commissioner Galloway confirmed that his questions had been answered, and he commended staff for all their hard work to turn a piece of land into a camp for the public.

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the bid for the Camp We Ch Me Hatchery Structural Improvements project for the Public Works Department be awarded to the low, responsive, responsible bidder, Northern Sierra Construction, Inc., in the amount of \$148,850. It was further ordered that the Chairman be authorized to execute the contract documents upon presentation.

**04-76 ACCEPTANCE OF GRANT – FEDERAL EMERGENCY
MANAGEMENT AGENCY – SUTCLIFFE VOLUNTEER FIRE
DEPARTMENT**

Upon recommendation of Roy Slate, Division Chief, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that a grant for \$206,100, from the Federal Emergency Management Agency's fiscal year 2003 Assistance to Firefighters Grant Program (Fire Act Grant), be acknowledged and accepted with the Board's gratitude. It was further ordered that the expenditure of these grant funds, in combination with \$22,900 matching funds, for a total anticipated expenditure of \$229,000 from the Fire Suppression Fund, to purchase a new brush truck for the Sutcliffe Volunteer Fire Department, be authorized. It was also ordered that the Comptroller be directed to increase the appropriate accounts of the Fire Suppression Fund by \$206,100.

**04-77 RENO-SPARKS CONVENTION AND VISITORS AUTHORITY –
2 PERCENT ROOM TAX COLLECTION ALLOWANCE–
FINANCE**

Chairman Shaw and Commissioner Galloway requested the item be continued until Commissioner Sferrazza would be in attendance.

Commissioner Humke said he did not oppose the motion to continue. He inquired regarding fiscal impact and John Sherman, Finance Director, explained the justification for use of the collection fee by the Reno-Sparks Convention and Visitors Authority (RSCVA) was to incorporate an increase in the frequency of audits on properties that pay the tax allowing them to collect more tax more frequently. Commissioner Humke responded that the method appears to be a bit foolhardy in that it would tip off California gaming as to the nature of the performance of Washoe County gaming. He noted his concerns regarding the statute that creates the make-up of the RSCVA Board stating that the Board has the power of taxation, and non-elected persons should not serve on such a board. He said only elected persons should have the power of taxation because they are subject to recall and other voter remedies.

Sam Dehne, Reno resident, stated that the RSCVA Board has the power to tax and the power to condemn, taking away homes from innocent citizens. He said the Airport Authority also has the power to condemn land away from innocent citizens, and

both of these boards have appointed, not elected, persons serving on the boards. He declared that the more oversight the County Commissioners have over the RSCVA the better, and he said he adamantly opposed the item.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that this agenda item be continued to the first meeting in February or when Commissioner Sferrazza would be present.

**04-78 COOPERATIVE AGREEMENT – PEDESTRIAN PATH -
COMMUNITY DEVELOPMENT**

Commissioner Galloway gave background on the pedestrian pathways explaining that the Tahoe Regional Planning Agency (TRPA) enforces an involuntary fee on any type of development in Incline Village that is not paid by anyone else in Washoe County, and in this case it is an air quality mitigation fee. He clarified the fees are used to implement ideas that reduce pollution, and the pathways are intended to encourage people to walk instead of using their cars.

Mike Harper, Community Development Planning Manager, explained the County has signed a number of these Cooperative Agreements with the Nevada Department of Transportation (NDOT). He said because they were moving quickly on the item, the Agreement did not contain a funding estimate; and NDOT would be putting the project out to bid this week. He noted that an additional clause would be added to the Agreement per the request of the Commissioners, which would permit the Board to review any change orders that might occur during the project. Commissioner Galloway stated that with the additional wording regarding the review of change orders, the Agreement could be approved.

Upon recommendation of Mr. Harper, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that in regard to the construction of a pedestrian path adjacent to State Route 28, between Country Club Drive and Southwood Boulevard, the following actions be taken:

1. The Cooperative Agreement between Washoe County and NDOT, for the construction of a pedestrian path between Country Club Drive and Southwood Drive (eastern terminus) and between the Centre Point office building and Southwood Drive (western terminus) adjacent to S.R. 28, with new clauses to be added that permit the County to opt out of the agreement should air quality mitigation funds fail to be secured from TRPA, and with the understanding that the County would be obligated to pay design costs to be negotiated with NDOT, that permit the Board of County Commissioners to review participation in the project should the final accepted bid exceed the estimate in the revised agreement by ten

percent or more, and other requirements that the Board of County Commissioners may deem appropriate, be approved;

2. Chairman Shaw be authorized to sign the revised agreement;
3. Staff be authorized to request funds from the Air Quality Mitigation Fund managed by the TRPA in an amount not to exceed \$126,640 as partial match for the project;
4. The expenditure of funds, in the not to exceed amount of \$31,660, from the Incline Village Commercial In-lieu Account and from the Incline Village Tourist Commercial Floor Area Account be authorized, and when combined with the air quality mitigation funds, the twenty percent match required by the Cooperative Agreement would be constitute the twenty percent match.

04-79

**RESOLUTION – GENERAL OBLIGATION (LIMITED TAX)
SEWER BONDS – SERIES 2004 - FINANCING SEWER
PROJECTS FOR COLD SPRINGS AND SPANISH SPRINGS**

Sam Dehne, Reno resident, stated that he was not the against project, but he had questions that he wanted answered. He inquired if the federal money Senator Reid brought forth recently was part of this project, and if there was not enough money to pay the bonds, what would happen.

John Sherman, Finance Director, explained that the Cold Springs component is an expansion of an existing wastewater treatment facility. The Spanish Springs component is a storm water detention project, and it would be paid for through hook-up fees from new homes, plus existing homes that would contribute to the funding. He stated the sewer system to deal with the nitrate occurrence issue in Spanish Springs is not a part of this funding. He confirmed that before the County would have to come up with additional funding, the hook-up fee schedules would be revisited.

Commissioner Galloway explained the job of the Debt Management Commission (DMC) is to examine whether projections are conservative and if there is sufficient revenue coverage to pay off the bonds because the risk of general obligation backed bonds can never be reduced to zero, but the DMC works to reduce them to a low level of risk.

Steve Bradhurst, Water Resources Director, explained the Board of County Commissioners created a storm water utility in Spanish Springs that has been in place for at least six months, and it would be the basis of the debt retirement. He said the revenues being collected today would continue to be collected forming a solid resource to cover the debt. He further explained that in Cold Springs there is a lot of pressure to move forward with the extension of a sewer treatment plant due to the number of housing

units that have been built and to extend the line to cover existing septic systems, which would have to hook up to the extended sewer line.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute the same:

RESOLUTION NO. 04-79

A RESOLUTION CONCERNING THE FINANCING OF SEWER PROJECTS IN COLD SPRINGS AND SPANISH SPRINGS; DIRECTING THE CLERK TO NOTIFY THE WASHOE COUNTY DEBT MANAGEMENT COMMISSION OF THE COUNTY'S PROPOSAL TO BORROW MONEY AND TO ISSUE ITS WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,500,000 TO EVIDENCE SUCH BORROWING; SETTING FORTH THE INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and pursuant to NRS 244A.011 to 244A.065, inclusive (the "County Bond Law"), is authorized to acquire, improve, equip, operate and maintain sewer projects within the County, including facilities pertaining to a county sanitary sewerage system for the collection, interception, transportation, treatment, purification and disposal of sewage, liquid wastes, solid wastes, night soil and industrial wastes, including a drainage and flood control project as provided in NRS 244A.0505 (the "Project"); and

WHEREAS, the Board of County Commissioners (the "Board") of the County proposes to issue the County's general obligation (limited tax) sewer bonds additionally secured by pledged revenues (the "Bonds"); and

WHEREAS, pursuant to NRS 350.020(3) (subject to approval of the proposal to issue general obligations by the Washoe County Debt Management Commission), proposes to adopt and publish notices of public hearing and adoption of a resolution of intent to issue the Bonds additionally secured by pledged revenues of the County's sewer projects, sanitary sewer system and water system (the "Pledged Revenues"); and

WHEREAS, the Board anticipates making a determination that the Pledged Revenues will at least equal the amount required in each year for the payment of interest on and principal of the Bonds; and

WHEREAS, the Board proposes to issue the Bonds without an election unless a petition signed by the requisite number of registered voters of the County representing the requisite assessed value of the taxable property of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval the following proposal:

GENERAL OBLIGATION SEWER BOND ADDITIONALLY SECURED BY PLEDGED REVENUES PROPOSAL:

Shall the Board of County Commissioners of Washoe County in the State of Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation (limited tax) sewer bonds, in one series or more, in the aggregate principal amount of not exceeding \$9,500,000 for the purpose of financing, wholly or in part, the acquisition, construction, improvement and equipment of sewer projects, including, but not limited to, facilities pertaining to a County sanitary sewerage system for the collection, interception, transportation, treatment, purification and disposal of sewage, liquid wastes, solid wastes, night soil and industrial wastes, including a drainage and flood control project as provided in NRS 244A.0505, the bonds to mature commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time bonds are sold, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefore), and to be issued and sold at par, or below or above par, and otherwise in such manner, upon such terms and conditions, and with such other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds, prior to maturity without or with the payment of a premium?

(the "Bond Proposal"); and

WHEREAS, subsection 1 of NRS 350.014 provides, in relevant part, as follows:

"1. Before any proposal to issue general obligation debt...may be submitted to the electors of a municipality, or before any other formal action may be taken preliminary to the issuance of any general obligation debt, the proposed incurrence ... must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated ..."; and

WHEREAS, subsection 1 of NRS 350.0145 provides, in relevant part, as follows:

"1. The governing body of the municipality proposing to incur general obligation debt ... shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission ... "

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, NEVADA:

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the Project and the financing thereof be, and the same hereby is, ratified, approved and confirmed.

Section 2. The County Clerk shall be, and she hereby is, authorized and directed to notify immediately the Secretary of the Washoe County Debt Management Commission of the County's Proposal, and to submit to said Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission. The County Director of Finance is authorized to update or amend the County's plan for capital improvements if necessary to reflect the Project and the Bonds and the Project to be financed thereby and to file the information as required by NRS 350.013 to the extent required to comply with NRS 350.013.

Section 3. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(a) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of Bonds; and

(b) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$9,500,000.

Section 4. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency.

This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 5. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 6. This resolution shall become effective and be in force immediately upon its adoption.

**04-80 ORDINANCE NO. 1227 - BILL NO. 1409 – GENERAL
OBLIGATION (LIMITED TAX) LIBRARY BUILDING BONDS –
SERIES 2004 - INCLINE LIBRARY**

John Sherman, Finance Director, explained that the project was funded through a voter approved property tax rate in November 1994. He said there have been a number of planning issues because the project was located at Lake Tahoe and planning for new facilities in that area takes more time. Mr. Sherman confirmed that the procedure to issue the debt has been through all the formal regulatory and administrative processes and this would be the last formal step the Board would take to approve the issuance of this debt.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that Ordinance No. 1227, Bill No. 1409, entitled, "**AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE COUNTY OF ITS NEGOTIABLE WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) LIBRARY BUILDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2004, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,280,000 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING BUILDING PROJECTS WITHIN THE COUNTY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF CERTAIN REVENUES; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; ADOPTING IT AS IF AN EMERGENCY NOW EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF,**" be approved, adopted as if an emergency exists, and published in accordance with NRS 244.100.

DISCUSSION – 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Adrian Freund, Community Development Director, explained that there would be a meeting later in the day with Judge James Hardesty to continue discussions on issues of the City of Reno's recognition of adopting area plans that the County has adopted. He said he would return to the Board at the next meeting to request action on the cooperative planning application materials that Judge Hardesty ordered the Cities and the County to develop to ensure that all entities were asking for common sets of information. He acknowledged that it would be an administrative action only in response to the request of Judge Hardesty for the Board to take action on this.

In response to Commissioner Galloway, Madelyn Shipman, Legal Counsel, explained that the meeting later today was set to have the entities update Judge Hardesty on their progress in terms of a discussion he had ordered at a previous meeting, and also to schedule an oral argument date for the County's motion to dismiss the water service jurisdiction issue. Ms. Shipman said the City of Reno and their planners and County staff have worked together to come up with a solution to address the issue on cooperative planning. She confirmed that she expected the outcome of the meeting to be that Judge Hardesty would direct staff to return to the Board to present what has been discussed and to discover if the Board would be willing to work with the solution.

Mr. Freund said that there was still a debate regarding what is cooperative planning. He acknowledged that agreement has been reached with the City of Reno to proceed to jointly plan the Redfield Center plan and to work jointly on the South Virginia Transit Corridor plan. He stated this would be helpful in terms of the Citizen Advisory Boards (CAB) in Southwest Reno and the Galena areas with respect to their concerns about the future planning of those areas.

Ms. Shipman stated that there was a proposal before the Reno Planning Commission concerning the Verdi annexation piece, and she said the Verdi CAB was looking closely at the development standards that were proposed as part of the overall development standards handbook for the Verdi proposed master plan development. She confirmed that she believed there would be a request for assistance from various department heads to provide input at their February meeting.

Commissioner Weber commented that at the Verdi CAB meeting on January 22, 2004 staff was not present from Washoe County and it placed her in an awkward position. She said staff should have been there to answer questions and participate in the discussion.

Mr. Freud stated that the County did express its concerns to the Reno Planning Commission at their meeting. He confirmed staff would be attending each of the Verdi CAB meetings when the development standards handbook would be discussed so staff could continue to have input into that important issue. Mr. Freud acknowledged that there was little formal role left for the County in those discussions.

Sam Dehne, Reno resident, stated that the Regional Planning Governing Board is dominated by Reno and Sparks and County land continues to be given to the Cities. He said by the time a settlement is reached, there would be no more land and something needs to be done. He commented that Judge Hardesty would be running for Supreme Court and he questioned what would happen to the lawsuit if he moves on.

Gary Schmidt, Washoe County resident, stated that Judge Hardesty had asked to stay on as mediator for the lawsuit, even if he was appointed to the Supreme Court, and that was approved by the Board of County Commissioners. Mr. Schmidt said there should be no development of any major, recreational regional centers outside the core of the downtown area, and to do so would violate the spirit and substance of the entire Regional Planning process. He believes the proposed AAA baseball stadium in Sparks would greatly impact Regional Planning and, if approved and built, it should be located in downtown Reno.

Ms. Shipman confirmed that there was a special meeting of this Board on January 12, 2004 to deal with the issue of the retention of Judge Hardesty as an arbiter in this case.

04-82 REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Weber commented that she attended the Sun Valley Task Force meeting that was held to discuss pedestrian and safety issues in the Sun Valley area. She reported on the Charting Our Course committee explaining that there are members of the public, staff and elected officials that meet weekly working on the budget and other issues. She requested that an update on the work of the committee become a regular agenda item to keep the Board informed of their progress.

3:30 p.m. The Board recessed.

5:30 p.m. The Board reconvened with all members present.

04-83 ORDINANCE NO. 1228 - BILL NO. 1407 – AMENDING CHAPTER 25 – SECONDHAND STORES & PAWNBROKERS

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on January 16, 2004 to consider second reading and adoption of Bill No. 1407. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no one wishing to speak, the Chairman closed the public hearing.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Ordinance No. 1228, Bill No. 1407, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING CERTAIN PROVISIONS RELATING TO BUSINESS LICENSES, SECONDHAND STORES AND PAWNBROKERS; BY ADDING PROVISIONS RELATING TO DEFINITIONS, INVESTIGATIONS AND FEES CONCERNING BUSINESS LICENSES AND DEFINITIONS; BY ADDING PROVISIONS RELATING TO DEFINITIONS, APPLICATIONS, INVESTIGATIONS, PENALTIES, UNLAWFUL ACTS, AND RETENTION AND REMOVAL OF PROPERTY RELATING TO SECONDHAND STORES AND PAWNBROKERS; AND PROVIDING OTHER MATTERS RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

04-84 ORDINANCE NO. 1229 - BILL NO. 1408 – AMENDING CHAPTER 70 – BLOOD ALCOHOL LEVEL

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on January 16, 2004 to consider second reading and adoption of Bill No. 1408. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no one wishing to speak, the Chairman closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Ordinance No. 1229, Bill No. 1408, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REDUCING THE BLOOD ALCOHOL LEVEL FOR THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR TO CONFORM TO STATE LAW,**" be approved, adopted and published in accordance with NRS 244.100.

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There being no further business to come before the Board, the meeting adjourned at 5:35 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Lori Rowe, Deputy County Clerk*